C.B. II No. 247

COMMITTEE ON OFFICES OF PROFIT

(FOURTH LOK SABHA)

SIXTH REPORT

(Presented on the 26th August, 1970)

LOK SABHA SECRETARIAT
NEW DELHI

August, 1970/Bhadra 1892 (Saka)
Price : Rs. 0.30 p.

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Corrigenda to the Sixth Report of Joint Committee on Offices of Profit (Fourth Lok Sabha)

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1	-	Footnote	from	form
4	-	20 against S. No.11	Shri Chitna	Sri Chitr
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JOINT COMMITTEE ON OFFICES OF PROFIT

(FOURTH LOK SABHA)

COMPOSITION OF THE JOINT COMMITTEE

CHAIRMAN

Shri K. Narayana Rao

MEMBERS

Lok Sabha

2. Shri Nathu Ram Aherwar
3. Raja Kamakhya Prasad Singh Deo Mahindra Bahadur
4. Shri Jagannathrao Joshi
5. Shri Srinibas Mishra
6. Shri Dwaipayan Sen
7. Shri Ramavatar Shastri
8. Shri Ramshekhar Prasad Singh
9. Shri S. M. Solanki
10. Shri Maddi Sudarsanam

Rajya Sabha

11. Shri Sunder Singh Bhandari
12. Shri Lokanath Misra
*13. Shri Narayan Patra
14. Shri Biren Roy
15. Shri H. V. Tripathi

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

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*Ceased to be Member of the Joint Committee consequent on his retirement from Rajya Sabha on the 2nd April, 1970.

REPORT OF THE JOINT COMMITTEE

I

Introduction

I, the Chairman of the Joint Committee on Offices of Profit, having been authorised by the Committee to present the Report on their behalf, present this Sixth Report of the Committee.

2. Subsequent to the presentation of the Fifth Report to the House on the 27th April, 1970, the Committee held four sittings* on the 8th May, 1st July, 18th and 21st August, 1970 and considered 62 memoranda regarding the composition and character etc. of the Committees constituted by the Central and State Gvernments and the emoluments and allowances payable to their members.

3. Detailed information regarding the composition, character and functions etc. of the 'Committees' and emoluments and allowances payable to their members was furnished by the respective Ministries|Departments of the Central and State Governments on requests made by the Lok Sabha Secretariat.

4. The Committee considered and adopted the Report on the 21st August, 1970.

5. The recommendations of the Committee in respect of the Committees, Boards etc. examined by them are given in the succeeding paragraphs.

II

Committees, Boards etc. appointed by Central and State Governments

Tungabhadra Steel Products Ltd.

6. The Committee note that the Directors of the Tungabhadra Steel Products Limited are entitled to a fee of Rs. 50|- per sitting alongwith travelling, hotel and other expenses incurred by them which is more than 'Compensatory Allowance' as defined in the Parliament (Prevention of Disqualification) Act, 1959. The Committee further note that the Directors also exercise executive and financial powers. The Committee, therefore, feel that even Directorship of the Company ought to disqualify.

*Minutes of the sittings from part of the Report and are at Appendix II, pages 7—16.

Market Committee, Tamil Nadu

7. In regard to the Market Committee, Tamil Nadu, the Committee note that it *inter alia* performs executive functions which involve patronage inasmuch as it establishes markets in the notified area providing for facilities for the purchase and sale of the notified agricultural produce. The Committee also note that this Committee has a separate fund called the 'Market Committee Fund' to meet the cost of day-to-day administration. The Committee, therefore, recommend that the Membership of this Committee ought to disqualify

Maharashtra State Dental Council

8. The Committee note that the non-official members of the Maharashtra State Dental Council are entitled to an 'attendance (sitting) fee' of Rs. 50|- per sitting in addition to T.A.|D.A. admissible to them which is more than 'Compensatory Allowance'. As such, the Committee feel that membership of the Council ought to disqualify.

Kerala State Road Transport Corporation, Kerala

9. As regards the character and composition of the Kerala State Road Transport Corporation, the Committee note that the Chairman of the Corporation gets an honorarium of Rs. 900. The non-official members are also entitled to a sitting fee of Rs. 50|- in addition to T.A.|D.A. which is more than 'Compensatory Allowance'. The Committee further note that the Corporation exercises executive powers under various provisions of the Road Transport Corporation Act, 1950. As such, membership of the Corporation ought to disqualify.

State Transport Authority, Kerala

10. In regard to the character and composition of the State Transport Authority, Kerala, the Committee note that non-official members are entitled to a 'sitting fee' of Rs. 25|- in addition to T.A.|D.A. which is more than ' Compensatory Allowance'. The Committee further note that this Body exercises executive and quasi-judicial powers also. As such, the membership of this Body ought to disqualify.

Regional Transport Authority, Kerala

11. Regarding the character and composition of the Regional Transport Authority, Kerala, the Committee note that it exercises executive and financial powers under various provisions of the Motor Vehicles Act, 1939. As such, the Committee recommend that this Body ought to be included in Part II of the Shedule to the Parliament (Prevention of Disqualification) Act, 1959.

12. The Committee are of the view that the composition, character and functions of the Committees, Councils, Boards etc. specified in Appendix I are such that their Chairmanship, Secretaryship or Membership ought not to disqualify.

III

Implementation of recommendations of the Committee

13. The Committee note with satisfaction that Government are taking steps to finalise the Bill based on the recommendations of the Committee made in their various Reports, on a top priority basis and that entries in the Schedule to the Parliament (Prevention of Disqualification) Act, 1959, are being scrutinised and brought uptodate in the light of the Committee's recommendations. The Committee trust that it should be possible for Government to bring forth proposed legislation during the Winter Session of Lok Sabha at least.

NEW DELHI;
The 26th August, 1970.

K. NARAYANA RAO,
Chairman,
Joint Committee on Offices of Profit.

APPENDIX I

(*Vide* para 12 of the Report)

Committees, Boards etc. whose Chairmanship, Secretaryship or Membership ought not to disqualify

UNDER CENTRAL GOVERNMENT

1. Central Advisory Committee for light houses.
2. Conference of the Representatives of the Hindi-speaking States for production of University level books in Hindi.
3. Co-ordination Committee of the Conference.
4. Indian National Commission for Co-operation with UNESCO.
5. Central Advisory Board on Correctional Services.
6. Beas Rehabilitation Committee.
7. Standing Advisory Committee on Social Welfare Research.

UNDER STATE GOVERNMENTS

Kerala

8. Cashew Development Advisory Board.
9. Kerala State Road Transport Corporation Council.
10. Kerala State Electricity Consultative Council.
11. Shri Chitna Art Gallery Advisory Board.
12. Advisory Council for Museums and Zoos, Trivandrum.
13. Advisory Council for Museums and Zoos, Trichur.
14. State Flood Control Technical Advisory Committee.
15. Industrial Relations Board.
16. Local Committee attached to Industrial Training Institute, Kalamassery.

Maharashtra

17. District Level Technical Committee.
18. State Family Planning Council.

Orissa

19. District Relief Committees.
20. Coordination Committee, Cuttack.

21. Advisory Committee on revision of District Gazetteers.
22. National Savings State Advisory Board.

Punjab

23. Punjab State Labour Advisory Board.
24. Evaluation and Implementation Committee for the State of Punjab.
25. District Committees on Employment, Amritsar, Ferozepore, Sangrur, Bhatinda, Patiala, Gurdaspur and Kapurthala.
26. State Committee on Employment, Chandigarh.
27. District Employment Committees, Jullundur, Hoshiarpur and Rupar.

Rajasthan

28. Visiting Committees to inspect Industrial Training Institute in Rajasthan.

Tamil Nadu

29. Committee constituted to explore the possibilities and avenues of employment for Indians returning from Burma.
30. Madras State Transport Advisory Committee.
31. District Road Development and Traffic Planning Committee.
32. State Standing Committee for National Tree Planting.
33. Tamil Nadu Co-operative Advisory Council.
34. Madras State Wild Life Board.
35. State Fisheries Advisory Board.
36. Fertiliser Advisory Committee.
37. Madras City Vegetable Development Committee.
38. Expanded State Level Co-ordination Committee for Intensive Agricultural District Programme and Intensive Agricultural Area Programme.
39. Indian Sandalwood Advisory Board.
40. Madras State Forest Advisory Board.
41. Wenlock Down Advisory Committee.

Uttar Pradesh

42. State Wild Life Council.

UNDER UNION TERRITORY OF DELHI

43. Advisory Council of Education.
44. State Council for Women's Education.

45. Housing Loans Advisory Committee.
46. Minimum Wages Advisory Board.
47. Minimum Wages Advisory Committee set up for fixation of minimum rates of wages for employment in Textile (including hosiery) industry.
48. Minimum Wages Advisory Committee for Delhi Transport Undertaking.
49. Housing Allotment Committee.
50. Industrial Advisory Board.
51. Jail Advisory Committee.
52. Jail Manual Committee.

APPENDIX II

MINUTES OF JOINT COMMITTEE ON OFFICES OF PROFIT

I

Thirty-first Sitting

The Committee met on Friday, the 8th May, 1970 from 15.00 to 15.45 hours.

PRESENT

Shri Biren Roy—*In the Chair*

MEMBERS

Lok Sabha

2. Raja Kamakhya Prasad Singh Deo Mahindra Bahadur
3. Shri Dwaipayan Sen
4. Shri Ramavatar Shastri.

Rajya Sabha

5. Shri Sunder Singh Bhandari

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. In the absence of Shri K. Narayana Rao, Chairman of the Committee, Shri Biren Roy was elected Chairman for the sitting under Rule 258(3).

3. The Committee took up consideration of Memoranda Nos. 225 to 238 relating to the various Committees|bodies constituted by the Central and State Governments.

4. The Committee were of the opinion that the composition and character of the following Committees|bodies were such that the Chairmanship or Secretaryship or Membership thereof ought not to disqualify:

(1) Central Advisory Committee for light houses (Ministry of Shipping and Transport).

(2) District Relief Committees (Government of Orissa).

(3) Coordination Committee, Cuttack (Government of Orissa).

(4) Advisory Committee on revision of District Gazetteers (Government of Orissa).

(5) State Wild Life Council (Government of Uttar Pradesh).

(6) Cashew Development Advisory Board (Government of Kerala).

(7) Visiting Committees to inspect Industrial Training Institute in Rajasthan (Government of Rajasthan).

(8) Conference of the Representatives of the Hindi-speaking States for production of University level books in Hindi (Ministry of Education and Youth Services).

(9) Co-ordination Committee of the Conference (Ministry of Education and Youth Services).

(10) Punjab State Labour Advisory Board (Government of Punjab).

(11) Evaluation and Implementation Committee for the State of Punjab (Government of Punjab).

(12) District Committees on Employment, Amritsar, Ferozepore, Sangrur, Bhatinda, Patiala, Gurdaspur and Kapurthala (Gtvernment of Punjab).

(13) Indian National Commission for Co-operation with UNESCO (Ministry of Education and Youth Services).

5. The Committee noted that the Directors of the Tungabhadra Steel Products Limited (Memo. No. 299), were entitled for a sitting fee of Rs. 50 per sitting alongwith travelling, hotel and other expenses incurred by them which was more than 'Compensatory Allowance', as defined in the Parliament (Prevention of Disqualification) Act, 1959. The Directors also exercised executive and financial powers. As such, even Directorship of the Company ought to disqualify.

6. The Committee then adjourned to meet again on Wednesday, the 1st July, 1970 both in the forenoon (at 10.00 hours) and afternoon (at 15.00 hours).

II

Thirty-second Sitting

The Committee met on Wednesday, the 1st July, 1970 from 10.00 to 11.00 hours.

PRESENT

Shri H. V. Tripathi—*In the Chair*

MEMBERS

Lok Sabha

2. Shri Nathu Ram Aherwar
3. Shri Jagannathrao Joshi
4. Shri Srinibas Mishra
5. Shri Dwaipayan Sen
6. Shri Ramavatar Shastri
7. Shri Ramshekhar Prasad Singh

Rajya Sabha

8. Shri Sunder Singh Bhandari
9. Shri Lokanath Misra
10. Shri Biren Roy

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. In the absence of Shri K. Narayana Rao, Chairman of the Committee, Shri H. V. Tripathi was elected Chairman for the sitting under Rule 258(3).

3. At the outset, in response to their query, the Committee were apprised of the contents of the following communication dated the 18th June, 1970, received from the Ministry of Law in regard to the implementation of the recommendations contained in their various Reports:—

> ".....steps are being taken to finalise the Bill on a top-priority basis. It may kindly be noted that the Joint Committee on Offices of Profit have presented four more Reports during the Fourth Lok Sabha. Comments on the concerned Ministries|Departments and State Governments have been invited on the said Reports. Before introducing the Bill in Parliament it is also considered necessary to

bring the entries in the Schedule to the Parliament (Prevention of Disqualification) Act, 1959 as far up-to-date in the light of the recommendations made as is practicable. Action is being taken to expedite that process."

The Members expressed their concern at the unusual delay being caused in finalising the proposed draft Bill and desired that the Ministry of Law should expedite the finalisation of the Bill to give effect to the recommendations of the Committee made so far.

4. The Committee then took up consideration of Memoranda Nos. 239 to 263 relating to the various Committees/Bodies constituted by the Central and State Governments.

5. The Committee were of the opinion that the composition and character of the following Committees/Bodies were such that the Chairmanship or Secretaryship or Membership thereof ought not to disqualify:

(1) District Level Technical Committee (Government of Maharashtra).

(2) State Family Planning Council (Government of Maharashtra).

(3) State Committee on Employment, Chandigarh (Government of Punjab).

(4) District Employment Committees, Jullundur, Hoshiarpur and Rupar.

(5) Central Advisory Board on Correctional Services (Department of Social Welfare).

(6) Committee constituted to explore the possibilities and avenues of employment for Indians returning from Burma (Government of Tamil Nadu).

(7) Madras State Transport Advisory Committee.

(8) District Road Development and Traffic Planning Committee (Government of Tamil Nadu).

(9) State Standing Committee for National Tree planting (Government of Tamil Nadu).

(10) Tamil Nadu Co-operative Advisory Council.

(11) Kerala State Road Transport Corporation Council.

(12) Kerala State Electricity Consultative Council.

(13) Madras State Wild Life Board (Government of Tamil Nadu).

(14) State Fisheries Advisory Board (Government of Tamil Nadu).

(15) Fertiliser Advisory Committee (Government of Tamil Nadu).

(16) Madras City Vegetable Development Committee (Government of Tamil Nadu).

(17) Expanded State Level Coordination Committee for Intensive Agricultural District Programme and Intensive Agricultural Area Programme (Government of Tamil Nadu).

(18) Indian Sandalwood Advisory Board (Government of Tamil Nadu).

(19) Madras State Forest Advisory Board (Government of Tamil Nadu).

(20) Wenlock Down Advisory Committee (Government of Tamil Nadu).

6. The Committee noted that the Market Committee, Tamil Nadu (Memo. No. 247) *inter alia* performed executive functions also which involved patronage inasmuch as it established markets in the notified area providing for facilities for the purchase and sale of the notified agricultural produce. It had also a separate fund called the 'Market Committee Fund' to meet the cost of day-to-day administration. As such, the Committee recommended that the Membership of this Committee ought to disqualify.

7. The Committee noted that the non-official members of the Maharashtra State Dental Council (Memo. No. 250) were entitled to an 'attendence (sitting) fee' of Rs. 50/- per sitting in addition to T.A./D.A. admissible to them which was more than compensatory allowance. As such, the Committee felt that membership of the Council ought to disqualify.

8. As regards the character and composition of the Kerala State Road Transport Corporation (Memo. No. 252), the Committee noted that the Chairman got an honorarium of Rs. 900/-. The Committee also noted that the non-official members were entitled for a 'sitting fee' of Rs. 50/ in addition to T.A./D.A. which was more than compensatory allowance. The Corporation also exercised executive powers under various provisions of the Road Transport Corporation

Act, 1950. As such, even membership of the Corporation ought to disqualify.

The Committee, however, desired that information regarding similar bodies functioning in other States should also be called.

9. In regard to the character and composition of the State Transport Authority, Kerala (Memo. No. 254), the Committee noted that non-official members were entitled for a 'sitting fee' of Rs. 25/- per sitting in addition to T.A./D.A. which was more than 'compensatory allowance'. Besides, this body also exercised executive and quasi-judicial powers. As such, the membership of the body ought to disqualify.

10. The Committee noted that the Regional Transport Authority, Kerala (Memo. No. 255) exercised executive and financial powers under the various provisions of the Motor Vehicles Act, 1939. As such, the Committee decided that this body ought to be included in Part II of the Schedule to the Parliament (Prevention of Disqualification) Act, 1959.

11. The Committee then adjourned

III

Thirty-third Sitting

The Committee met on Tuesday, the 18th August, 1970 from 16.00 to 16.45 hours.

PRESENT

Shri K. Narayana Rao—*Chairman.*

MEMBERS

Lok Sabha

2. Raja Kamakhya Prasad Singh Deo Mahindra Bahadur.
3. Shri Jagannathrao Joshi
4. Shri Srinibas Mishra
5. Shri Dwaipayan Sen
6. Shri Ramavatar Shastri
7. Shri Maddi Sudarsanam

Rajya Sabha

8. Shri Lokanath Misra
9. Shri H. V. Tripathi

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee took up consideration of Memoranda Nos. 264 to 287 relating to the various Committees/Bodies constituted by the Central and State Governments.

3. The Committee were of the opinion that the composition and character of the following Committees/Bodies were such that the Chairmanship or Secretaryship or Membership thereof ought not to disqualify:—

(1) Advisory Council of Education (Delhi).

(2) State Council for Woman's Education (Delhi).

(3) Housing Loans Advisory Committee (Delhi).

(4) Minimum Wages Advisory Board (Delhi).

(5) Minimum Wages Advisory Committee set up for fixation of minimum rates of wages for employment in Textile (including hosiery) industry in Union Territory tf Delhi.

(6) Minimum Wages Advisory Committee for Delhi Transport Undertaking.

(7) Housing Allotment Committee (Delhi).

(8) Industrial Advisory Board (Delhi).

(9) Jail Advisory Committee (Delhi).

(10) Jail Manual Committee (Delhi).

(11) Beas Rehabilitation Committee (Ministry of Irrigation and Power).

(12) Standing Advisory Committee on Social Welfare Research (Department of Social Welfare).

(13) National Savings State Advisory Board (Government of Orissa).

(14) Sri Chitra Art Gallery Advisory Board (Government of Kerala).

(15) Advisory Council for Museums and Zoos, Trichur.

(16) Advisory Council for Museums and Zoos, Trivandrum.

(17) State Flood Control Technical Advisory Committee (Government of Kerala).

(18) Industrial Relations Board (Government of Kerala).

(19) Local Committee attached to Industrial Training Institute, Kalamassery.

4. The Committee noted that the Chairman and Members of the Arbitration Board, Kerala, who were all non-officials, were entitled to 'sitting fee' in addition to T.A.|D.A. as admissible to the Government Officials of the First Class, which was more than 'Compensatory Allowance'. Besides, the Board also exercised judicial powers. As such, the Committee were of the view that the membership of the Board ought to disqualify. However, they deferred further consideration till they had heard Shrimati Suseela Gopalan, M.P. and other Members who had represented against the earlier recommendation made by the Committee that the payment of 'sitting fee' to a Director in addition to T.A.|D.A. would be deemed to constitute 'profit' and thus lead to a disqualification.

5. The Committee postponed consideration of Memoranda Nos. 281, 284 and 286 in respect of the under-mentioned Committees till the receipt of further information from the Government of Kerala on the points mentioned against them:

Name of the Committee	Points
1. Irrigation Basin Committee.	1. Reasons for non-fixation of remuneration payable to non-official members. 2. When is it likely to be fixed? 3. What is the present practice with regard to the payment of T.A./D.A. etc. to the non-official members?
2. Industrial Relations Committee for the Handloom Industry.	1. A copy each of G.O. Rt. No. 138/67/HLD dated 20-1-1967 and the latest order, if any, reconstituting the Committee. 2. Detailed functions of the Committee elaborating the manner in which the industrial relations problems arising in the industry are being tackled and employer-employee relations improved.
3. Sales Tax Advisory Committee.	A copy each of the Government of Kerala Sales Tax Act and the Rules framed thereunder.

6. The Committee then considered Memorandum No. 287 regarding Shrimati Suseela Gopalan's representation on the Committee's

decision contained in their Fifth Report in respect of the Kerala State Coir Corporation Ltd. After some discussion, the Committee decided that Shrimati Gopalan might be requested to appear before the Committee on Friday, the 21st August, 1970 to present her views in the matter.

7. The Committee then considered the Draft Sixth Report and approved the same with slight modification that the three Committees mentioned in para 5 above be deleted from Appendix I to the Report. The Committee decided that the Report may be finalised after Shrimati Suseela Gopalan, M.P. had tendered her evidence before the Committee.

8. The Committee then adjourned to meet again on Friday, the 21st August, 1970 to hear the oral evidence of Shrimati Suseela Gopalan, M.P.

IV

Thirty-fourth Sitting

The Committee met on Friday, the 21st August, 1970 from 14.30

PRESENT

Shri K. Narayana Rao—*Chairman*

MEMBERS

Lok Sabha

2. Shri Nathu Ram Aherwar
3. Shri Srinibas Mishra
4. Shri Ramavatar Shastri
5. Shri Ramshekhar Prasad Singh
6. Shri S. M. Solanki

Rajya Sabha

7. Shri Biren Roy

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESSES

1. Shrimati Suseela Gopalan, M.P.
2. Shri N. Sreekantan Nair, M.P.
3. Shri C. K. Chakrapani, M.P.
4. Shri G. P. Mangalathumadam, M.P.
5. Shri Arangil Sreedharan, M.P.

6. Shri R. Umanath, M.P.

7. Shri K. Ananda Nambiar, M.P.

2. The Committee heard the evidence given by Shrimati Suseela Gopalan and Shri N. Sreekantan Nair, M.Ps. and other members from Kerala in connection with the recommendation of the Committee made in the Fifth Report in regard to Kerala State Coir Corporation Ltd.

3. A verbatim record of evidence was kept.

4. The Committee then adopted their Draft Sixth Report with the modification that para 12 of the Report relating to the Arbitration Board, Kerala be dropped. The Committee decided to pend their decision in regard to the Arbitration Board, Kerala, till they had received further information from the State Government of Kerala in respect of Kerala State Coir Corporation Ltd. which was decided to be called for from the State Government in the light of the evidence given by Shrimati Gopalan, M.P.

5. The Committee decided that the Report might be presented to Lok Sabha on Wednesday, the 26th August, 1970 and laid on the Table of Rajya Sabha on the same day.

6. The Committee authorised the Chairman and, in his absence, Shri Ramavatar Shastri to present the Report to Lok Sabha on their behalf.

7. The Committee authorised Shri Biren Roy and, in his absence, Shri Lokanath Misra to lay the Report on the Table of Rajya Sabha.

8. The Committee then adjourned.

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PUBLISHED UNDER RULE 382 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN LOK SABHA (FIFTH EDITION) AND PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI.